

1 BILL LOCKYER
Attorney General of the State of California
2 RICHARD FRANK
Chief Deputy Attorney General
3 THOMAS GREENE
Chief Assistant Attorney General
4 THEODORA BERGER
Senior Assistant Attorney General
5 SANDRA GOLDBERG
Deputy Attorney General
6 State Bar No. 138632
LAURA J. ZUCKERMAN
7 Deputy Attorney General
State Bar No. 161896
8 1515 Clay Street, 20th Floor
Oakland, CA 94612
9 Telephone: (510) 622-2174
Fax: (510) 622-2270
10 laura.zuckerman@doj.ca.gov
Attorneys for People of the State of California *ex rel.*
11 Bill Lockyer, Attorney General of the State of
California
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 **PEOPLE OF THE STATE OF CALIFORNIA**
17 ***ex rel.* BILL LOCKYER, ATTORNEY**
18 **GENERAL OF THE STATE OF**
CALIFORNIA,

19 Plaintiff,

20 v.

21 **OFFICE OF MANAGEMENT AND BUDGET,**

22 Defendant.
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Case No.: C 06-02654 SC

**STIPULATION AND [PROPOSED]
ORDER FOR FILING OF
AMENDED COMPLAINT**

STIPULATION AND [PROPOSED] ORDER FOR FILING OF AMENDED COMPLAINT

1 WHEREAS Plaintiff People of the State of California *ex rel.* Bill Lockyer, Attorney General
2 of the State of California, wishes to amend its complaint in this action to add the Department of
3 Transportation ("DOT") and the National Highway Traffic Safety Administration ("NHTSA") as
4 defendants;

5 WHEREAS Defendant Office of Management and Budget does not oppose such
6 amendment;

7 NOW, THEREFORE, Plaintiff People of the State of California and Defendant OMB, by
8 and between their counsel of record, hereby stipulate and agree as follows:

9 1. Plaintiff may file the Amended Complaint attached to this Stipulation and [Proposed]
10 Order as Exhibit A ("Amended Complaint");

11 2. Defendant OMB shall not be required to answer the Amended Complaint, and all
12 denials, responses, and affirmative defenses contained in the answer filed by OMB to the original
13 complaint shall be responsive to the Amended Complaint.

14 3. Notwithstanding anything to the contrary in Rule 15 of the Federal Rules of Civil
15 Procedure or any other provision of law, the Department of Transportation ("DOT") and the
16 National Highway and Traffic Safety Administration ("NHTSA") shall have 30 days after service
17 on them of the Amended Complaint to serve an answer or otherwise plead to the Amended
18 Complaint;

19 4. Nothing in this stipulation between Plaintiff People of the State of California *ex rel.*
20 Bill Lockyer, Attorney General of the State of California, and Defendant OMB shall be construed
21 to effect a waiver of (a) the requirements for service of the summons and Amended Complaint on
22 the newly-named defendants DOT or NHTSA pursuant to Rule 4 of the Federal Rules of Civil

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STIPULATION AND [PROPOSED] ORDER FOR FILING OF AMENDED COMPLAINT

Procedure, or (b) DOT's or NHTSA's rights to file a motion to dismiss the Amended Complaint.
IT IS SO STIPULATED.

PLAINTIFF PEOPLE OF THE STATE OF
CALIFORNIA ex rel. BILL LOCKYER, ATTORNEY
GENERAL OF THE STATE OF CALIFORNIA:

Dated: 6/23/06

Laura J. Zuckerman
LAURA J. ZUCKERMAN
Deputy Attorney General

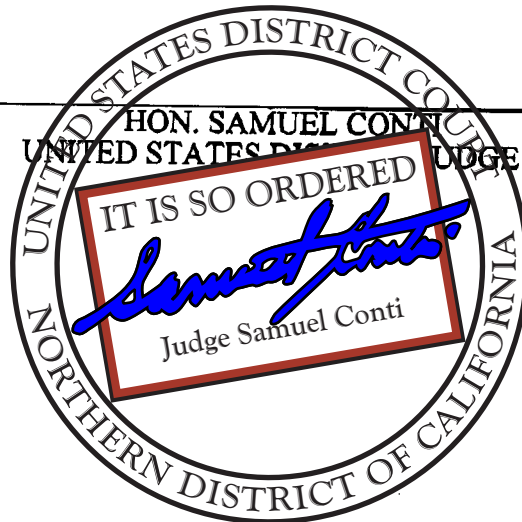
DEFENDANT OFFICE OF MANAGEMENT
AND BUDGET:

Dated: 6-23-06

Joann M. Swanson
JOANN M. SWANSON
Assistant U.S. Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____



STIPULATION AND [PROPOSED] ORDER FOR FILING OF AMENDED COMPLAINT